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George J. Mitchell Oral History Project

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Jim Case

(Interviewer: Andrea L'Hommedieu)

GMOH# 028

August 19, 2008

Andrea L'Hommedieu: This is an interview for the George J. Mitchell Oral History Project; the date is August 19, 2008. We're in Topsham, Maine, at the firm of McTeague, Higbee, Case - and what is the rest of the -?

Jim Case: Higbee, Case, Cohen, Whitney, Toker & Young.

AL: Okay, and today I'm interviewing Jim Case. Jim, could you start just by giving me your full name?

JC: Sure, it's James William Case.

AL: And you were associated with Senator Mitchell in different times of his career.

JC: Yes.

AL: Do you remember the earliest recollection of meeting him?

JC: I honestly don't remember precisely the first meeting. It was in 1972, I'm sure, I know we met more than once during that campaign cycle (*unintelligible*). I was in law school in Portland and I was active in Democratic politics in Maine, and this was the Muskie presidential race and there were some controversies in the caucuses in Portland because of the contest between Muskie and McGovern at that time. And that's when I first came to know of George Mitchell, who was active in that campaign. He came around and met with some of the activists in Portland just to try to organize, make sure things were well organized, as I recall. And he was working on the national campaign –

AL: Hmm-hmm.

JC: - but obviously Maine was a bit of a focus then. That was my first encounter with him. And then I, and he, after the presidential campaign he, I believe, came into law practice in Portland at Jensen Baird and was involved still in the National Democratic – Democratic National Committee and made a run for chair of that. I just don't remember the exact year that was, it had to be '73 I think, or so, and he lost that race to Robert Strauss. He was our, he was Maine's, one of Maine's National Committee members. And then he started his campaign for governor, which was when I really first worked with him on an ongoing basis, was in that

campaign in the 1974 gubernatorial race.

AL: In what capacity did you work with -?

JC: Well it ended up, actually there was a primary in that election and I was supporting his, the principal opponent, which was Joe Brennan, who was a Portland state senator and friend, and I supported Joe in that race. Joe lost to George Mitchell; George became the nominee, Democratic nominee for governor in 1974. And at that point in time I had, I was the chairman of the Democratic City Committee for Portland, and finished law school and took the Bar exam in July, and then joined the campaign, George Mitchell's campaign for the fall and worked in, I think I was the coordinator for southern Maine, which of course included Portland and up the coast some. But not Lewiston; it was York County, Cumberland County, and the coastal counties, as I recall it, and so worked very closely with him during that gubernatorial campaign.

AL: In terms of strategy or -?

JC: Well strategy, I was strategy issues. I didn't, I wasn't the speech writer but I contributed to the speeches. Woody Jones was the principal speechwriter, I would say, although George Mitchell's a very good speechwriter himself.

AL: Yeah.

JC: But Woody did a lot of the speechwriting. So, but my focus was principally on field organization at that point in time, so I traveled with, and I would travel with the Senator to events and things like that, and go out and represent him, and organize Get Out the Vote –

AL: Hmm-hmm.

JC: - which was a big effort. And so that was the fall campaign.

I had already, along the way, even before the campaign, before I even started formally on the campaign, I had already accepted a position after the campaign to work for Senator Muskie in Washington, and so I was, when the campaign ended unsuccessfully, I went to Washington.

AL: Right.

JC: And worked for Ed Muskie down there for a number of years.

AL: Can you talk about the flow of that campaign, the '74 campaign? I know a lot of people studying Maine political history would be interested in -

JC: It was an interesting year, I mean it was the Watergate year, okay? And Senator Mitchell was the Democratic nominee, Jim Erwin was the Republican nominee, and then Jim Longley, the Independent, the ultimate winner, was in the race, and for quite a while no one took Jim Longley

very seriously. And I don't think he deserved to be taken seriously, until very late in the campaign when George Mitchell, I think, did such a good job, frankly, of beating Jim Erwin, that's my perception, I think, is that afterwards a lot of Republican voters realized that Senator Mitchell was going to win and they sort of moved and coalesced in a very active way around Jim Longley. So I think there was a lot of movement in that campaign, people who didn't want to have a Democratic governor and didn't want George Mitchell to become governor kind of shifted over to Longley and put him over the top. And it was something you could only see, I think, in the last – I can't be precise now – but couple weeks at most of the campaign.

AL: Could you feel it on the campaign trail, as he went to places?

JC: You could in other parts of the state. In Portland, Portland held strong, which was where my biggest focus was, held strong for George Mitchell. Not because of me, just because it was a, Longley's appeal was very limited in Portland. And so the Portland vote in '74 was, I think we sort of met our percentage goals, even after the Longley surge came in we had a good result in Portland. And when the results started to come in from Portland we felt pretty good, but it was a

–

AL: Lewiston.

JC: - very different story in Lewiston, which was a traditional Democratic stronghold back then. It was just terrible.

AL: Yeah.

JC: Other places, too. So the flow was, became pretty weird. I mean I can't remember when we started to sense that Longley needed some attention –

AL: Yeah.

JC: - but it was fairly late into the campaign. And it was, Senator Mitchell, George Mitchell back then, had, was sort of cast as the establishment candidate, which was kind of strange because he wasn't. But because he'd been associated with the party in Washington, and because he was such a, and still is, such a solid person –

AL: Hmm-hmm.

JC: - if you will, in the year of Watergate, I think they were looking for someone outside, the voters were looking for someone outside. And Senator Mitchell was – how would you say? – too responsible to kind of take that road and play the game of appealing to the sort of wild, crazy sentiments of the voters in 1974, despite some people urging him to do so.

AL: Hmm-hmm.

JC: He was actually very, there was a rabid movement to impeach the president, and he was very reticent in his approach to that, as you'd expect from someone like George Mitchell who was a very good lawyer, very committed to due process and very committed to doing things the right way, and he thought it was a little premature to get out there and hang the guy. But there was a lot of voters who were outraged by the whole Watergate business, and I think he is, he didn't, he never wanted to play to that outrage. And that might have cost him some enthusiasm at least among some of those voters, who may have ended up voting for him but maybe not, didn't do as much as they might have in his support otherwise.

AL: Well, what is, what was Senator Mitchell like, or George Mitchell at that time, like on the campaign trail and driving from one event to another? I know you have the perspective of Muskie as well, can you give me a sense of how he –

JC: Yeah.

AL: - his -?

JC: He was – hard to remember because I dealt with him so much later, too – but he's very focused and very diligent, he was always very well organized and had an approach to whatever was coming next on the agenda. And he wasn't very much into speculation or other things, I mean he was, from one event to another he wasn't really speculating on where the whole campaign was going, he was talking about what's coming next and, "What am I going to do when I get here?" and have a meeting, you talk about broader issues, but he's always in my impression been an extremely focused, very bright and very hard working person.

AL: Right.

JC: And...

AL: Now in regards to the '74 campaign, who were some of the other people in Maine who worked on that campaign?

JC: Well Tony Buxton was the, I think we called him, I think he was the campaign manager, his wife Liz, I mentioned Woody Jones, and his wife Connie, they worked together on the campaign. Woody had come up from Washington where he had been, I believe, with Senator Bayh, Birch Bayh, down there, yeah, and came back to work on this campaign pretty much, then he stayed and practiced law in Maine, they're both from Maine. These are the people I worked with the most. There's lots of other people.

AL: Right, hard to remember so many years ago.

JC: It is hard. Mike Aube –

AL: Right.

JC: - very active in that campaign. And Deb Bedard, who's, has a different last name now and I can't think of it; she's married, they are southern Maine people I worked with. Clyde, I believe, was, Clyde MacDonald, was involved. And the party establishment of course was involved, which would be Harold Pachios, and I think Harold may have succeed George as chairman by then, I'm not sure –

AL: Hmmm.

JC: - chairman of the Democratic State Committee, the position George had held earlier. And Severin Beliveau. But they were principally fund raisers, and there was a core of fund raisers in Portland principally that I worked with some, although I wasn't doing fund-raising, I had to stay in touch with the fund-raising core, make sure they knew what was going on, and that ideas they had were put into place appropriately. Joe Angelone was Portland, Scotty Hutchinson, Norman Reef, Dan Morse (*sounds like*) is still around and I saw a letter to the editor from him in the paper this week, about a week ago. He's a lawyer – he's probably retired now – in South Portland. That core was – I'm leaving people out.

AL: That's okay, that's a good amount of people.

JC: Yeah.

AL: So after that election, you went to work for Senator Muskie?

JC: Right, I went down to Washington in November, mid-November, I guess, of '74, and worked there for, well, during the balance of Senator Muskie's tenure, and then when, and in that capacity of course Senator Muskie and George Mitchell were friends. In the years between '74 until we got into the campaign in '76, which wasn't that long, but, I didn't have much contact, if any, with George Mitchell. But then George was a key person in Senator Muskie's Senate reelection campaign in 1976, he played, I don't believe any formal role, but he's the guy that Muskie would call for insight and advice, and I think he'd run some speeches by him and George would send drafts down, things like that. Never on the staff, he was practicing law in Portland –

AL: Right.

JC: - and very busy but always -

AL: Always in the background?

JC: Always in the background.

AL: Yeah.

JC: Somebody that Senator Muskie had a huge amount of respect for and would call him up

and get ideas from him and bounce things off of him.

AL: And then 1980 comes.

JC: Sooner than that, actually.

AL: Okay.

JC: And then, in 1976, after Jimmy Carter won the election, Senator Muskie had to fill the U.S. attorney's job for Maine, and it was pretty obvious from day one that it was going to be George Mitchell if he wanted it, and he did. But there was a little bit of a process to get him designated as the right person for the job, and so I worked with him a little bit and Muskie in arranging that in '76. There wasn't too much arranging to do, it was whatever Muskie wanted but there was a little bit of protocol to be followed.

AL: Right.

JC: And that was achieved and so George Mitchell became the U.S. Attorney George Mitchell, where he served until we managed to create another judgeship for Maine. Maine prior to then had only one judge, one federal judge, which was Judge Gignoux, and was, and during the early years of the Carter administration we created a second judgeship for Maine, Muskie did, with the support of the rest of the delegation and the president. And once that seat became available, authorized, there was a process to decide who that judge was going to be, and George was U.S. attorney and we set up a, actually set up a panel, Senator Muskie, who has, had the authority to make the recommendation by tradition to the president, set up a panel – it was one of the earlier panels that was done, Muskie thought there should be a little involvement by people, some buy-ins – so he set up a panel. And it was chaired by then president of Colby who's, I can picture him but I can't think of his name.

AL: It's escaping me, too, I don't –

JC: Sorry.

AL: It's okay.

JC: Anyway, and staffed that, probably a half a dozen on it to interview potential candidates, and George rose as the nominee and was put forth, and quickly nominated and confirmed to the bench.

AL: And he served in that capacity for about a year?

JC: About a year, yeah, I think, I can't remember exactly when, I would say about a year.

AL: Right.

JC: And then in 1980, at the time of the failed attempt to rescue the hostages in Iraq, Warren Christopher resigned as secretary of state, the president asked Senator Muskie to become secretary of state and he agreed after some consideration. And in the process of moving from the Senate to the secretary of state, came up and met with Governor Brennan and talked about priorities for his successor – it was entirely up to the governor who we named.

AL: Right.

JC: And...

AL: Was there a lot of discussion about who was to be named, do you -?

JC: That was, I was not privy to that, so - .

AL: Because Brennan and Mitchell had run the '74 primary against each other.

JC: That's correct, that's correct. But Brennan named Mitchell. I think he figured out that George would be the strongest candidate.

AL: Hmm-hmm.

JC: And I think he had a lot of respect for George, even though they were opponents in that primary I think he understood his talents that, Judge Mitchell then, would bring to the job.

AL: And so then there was a transition staff.

JC: So there was a staff transition, and there was a, I stayed on; Senator Muskie asked me to stay on and run the staff. He'd made an arrangement with Governor Brennan that he would ask whoever he appointed to keep the staff that stayed in the Senate, which was most of us except for two, three, four, I think, people went down to the State Department. So I stayed and became chief of staff for the last few days of Muskie's admin-, Muskie's tenure, and then – actually there was an interim period when we didn't have a senator, we only had one senator and that was Senator Cohen of course – but we had, we kept the staff, we kept the office, and we just kind of got things ready for Senator Mitchell who came in, I guess, about two weeks after Senator Muskie went down to the State Department, Senator Mitchell got sworn in. He couldn't just walk out of the federal courthouse in Bangor, he had to, some, he had some things he had to close out.

In the interim I went up, I flew to Bangor, met with Senator-designate Mitchell in his chambers in Bangor and just let him know what was waiting for him when he got down and tried to figure out when he was coming and he, we worked that out. So he came down and – I have a picture of him getting sworn in. Well actually he's not getting sworn in, he's getting, he's meeting the president for the first time, on the day of his swearing in. In my office but –

AL: So you were chief of staff –

JC: Yes.

AL: - as he came on board, but what sort of challenges did he face as a brand new senator?

JC: Well –

AL: He certainly knew some of the staff pretty well.

JC: He knew a fair number of the staff pretty well, and he certainly, he knew the Senate, he'd worked there probably fifteen years earlier or so for Ed Muskie, he was a staff person for Ed. And so, so the, there's a lot of initial challenges. First challenge was deciding what committee assignments he wanted, and as a brand new senator he didn't have a lot of choice, I mean basically what was left was pretty much what he got. But not entirely, I mean he had, he was able, and I think it was important, to preserve Ed Muskie's, the seat Ed Muskie had on the Committee on Environment and Public Works, where Senator Mitchell really continued that work that Muskie had done.

He had a lot of interest initially in serving on the Judiciary Committee, because he felt particularly qualified for that, having served as U.S. attorney and having served as U.S. judge. I was against that, I didn't think that was a good committee to go on, simply because of the terrible issues he'd have to face on that committee, which wasn't about judges, it was more about abortion battles and those kind of issues, and he was coming in, he was in an election cycle right away, on the day he got there.

It was very fortunate, it wasn't fortunate, I don't think he would have taken the job in May of 1980 if he had had this, if he was going to have to stand for election in November, but under Maine law he didn't have to stand for election until 1982. So he had two years to perform and do his job and run, and that was critical to his thinking at the time he accepted the position, and pretty critical to his ultimate success.

But that was, an early issue was what committees to go on, and he ended up on Public Works, and Banking [Finance], and I think he was on Veterans' Affairs very briefly, something like that.

AL: Yeah.

JC: I honestly don't remember.

AL: Yeah.

JC: And the early challenges – this was, again, even though he wasn't running, it was an election year, and it was a presidential election year, so there was filibusters going on and, on

nominations, on legislation. And so he used to complain, he actually did complain and he included this line in a lot of his speeches, when he was a federal judge he'd walk into the court room and everybody stood up when he said to and sat down when he said to, and left and came when he said to, and he had absolute control over his docket and his schedule. But going to the Senate, where he was the most junior of one hundred, he came when they said and left when they said and stood up when they said.

And it *was* a very contentious period from May until the end of that session, because of a lot of things, and because the Republicans could smell victory in the fall and they weren't going to let anything happen, they could just do their own thing in January. So he came on and dealt with that, and did a very good job, I thought. I was thinking of it recently, one of the early battles on the Banking Committee – and it must have been in 1980 after, it must have been after the election, in '81 – that the battle really came to a head, because Reagan was pushing to overturn, or preempt state laws on interest rates and usury, states used to have usury laws, and they were important, I mean they governed what you could, what banks could charge and how banks could charge, what banks could do.

And there was a lot of state regulation of banking until then, and the Banking Committee, which Senator Mitchell was on, heard legislation early on to undo, or actually to preempt federally much of the state law, and he fought that hard. It turned out to be a losing battle, but I was thinking in the context of everything that's gone on recently how, if that battle hadn't been waged, well if we'd won that battle, how different things might have turned out and how much more responsible our banking system might have been in the interim. A lot of other things happened since then, too, a lot of other changes in banking laws that basically completely deregulated them, subsequent to Senator Mitchell's tenure.

AL: Right.

JC: But that was kind of the beginning of the unraveling of a fairly well regulated banking system. We fought it. We didn't have the votes.

One of the things that I remember, Senator Mitchell was very different from Senator Muskie. Senator Muskie had been there for a long time and had a huge amount of power and had, understood almost all the issues as they came up because they voted on the same thing almost every year. Senator Mitchell took a fresher approach, but had an incredible level of discipline in terms of getting briefed on issues and briefing himself and understanding issues, and understanding the Senate.

One of the things, early on I predicted that Senator Mitchell would become the Democratic leader of the Senate, in the first few months, because he applied himself so diligently. Not just to the issues and the business of the Senate, but to developing relationships with other senators. One of the things he did was, the southern Democratic senators still held a lot of power, the old guard in the Senate, which has now been forgotten, but they were there then and they – Senator Stennis, Senator McClellan, these are Mississippi, Alabama.

AL: Yeah.

JC: They'd been the chairs until the election of '80 of very powerful committees – Senator Byrd of course – in the Senate, and they held a weekly prayer breakfast which was, I think, fairly narrowly attended, senators only, no staff or anything, but they would get together and do Bible reading or something and have a prayer, do whatever they do.

And Senator Mitchell quickly decided that he wanted to attend that and participate in that. And these were people more out of a, I think a southern Baptist tradition than a Catholic tradition, which was Senator Mitchell's tradition. I was a little surprised, but I realized then that this was a way for him to share values with people, let those people know what his values were, and to develop relationships on a personal level. Because there actually were, despite the fact there's only one hundred of them, very limited opportunities for senators to be together without public or staff or other intervening factors which break down the opportunity to get to know each other. I mean they spend, they're there for long hours but they're usually doing their own individual thing in their office or in a committee or on the phone, and very little time working with each other.

AL: One-on-one.

JC: One-on-one, or even as a group, without a lot of other people watching and –

AL: Right.

JC: - kibitzing and contributing. So I think that was a very wise thing and I said, "He's taking this damn seriously." And of course he takes everything very seriously that he gets involved with, and he did, and it didn't really surprise me at all that he ultimately became leader.

AL: So he learned very quickly, I think, probably also the rules of formality.

JC: Well the rules of the Senate, yup, I mean he, those were, yes, I think he did. He didn't need to know too much about the rules early on, as a young senator. He had to know when to be there and what to vote, how to vote and what the votes meant, but the leadership was pretty strong about guiding, and the staff could guide him, and he wasn't moving at that point in time, while I was with him, legislation of his own to any great degree, really no opportunity to as a brand new senator. I was only with him until March or April of '81, so my tenure was quite limited, less than a year.

AL: In your time there did you, could, do you recall if he had reached across the aisle and met Senator Dole yet? Do you have any recollection?

JC: I don't recall that he had, that he had developed any relationship with him. Obviously that came, well I don't know when it occurred.

AL: Eventually, yeah.

JC: It was very important when they were leaders together, which was from, years down the road. And I don't know if Senator Dole was part of that breakfast, could be, may have been, it wouldn't surprise me if he had been. But, yeah, no, he had not developed that yet.

AL: And so you left the staff in '81?

JC: Eighty-one.

AL: Came back to Maine?

JC: Came back to Boston first, I had an offer to work in Boston as a, with a firm there, which I thought was appealing. And talked to Senator Mitchell and he asked me to find somebody to replace myself, and he knew David Johnson, we'd known David from working with Muskie, and I said, and I'd had some conversations with David which, I was pretty sure he'd be interested in coming back to the Senate. So I met with David, said I thought he'd be a great guy to do the job, and told him I thought Senator Mitchell would agree to that, he pretty much had, and so that was an easy decision and transition. And David did a great job, as I fully expected that he would, and he and Senator Mitchell worked, I think, very well together, and I took off.

AL: Now, did you have other interactions since that time you left the staff with Senator Mitchell?

JC: Yeah, but not, not very, not particularly substantive. I mean I've always, while he was in the Senate – I represent the Maine AFL-CIO –

AL: Right.

JC: - and other labor union groups – and so from time to time we'd go down, or I'd go down and talk to him about pending issues in the Senate or in Washington, and he was always extremely helpful and very good, very good. He's always been strong on labor issues, so he was wonderful in that regard.

AL: And he always found time?

JC: Oh yeah, yeah. Yeah, I think he always found, yeah, I think, I wasn't there after he became majority leader but he, in my experience, always found time for everybody. And I think for labor for Maine, he would always particularly have time. So he was great.

AL: Yeah.

JC: Yeah.

AL: I've heard from others that as a senator, he always kept the focus on Maine concerns and didn't lose sight of that on a national setting. Did you find that as well?

JC: Yes. He, one of the – I guess I should, one of the things that he, when I think of when I met with him in Bangor, while he was still a judge, he said, "I'm going to take this job but I'm coming back to Maine every single weekend." And I said, "Yeah, that's doable, but you're going to be tired."

AL: Right.

JC: And I think it was hardest probably that very first year, for the balance of 1980, because the Senate was working such long hours, you don't want to miss any votes because that's, it becomes a potential issue in a campaign.

AL: Right.

JC: So he was there for the Senate and back in Maine for everything in Maine too, so he was, he had a lot of time in airplanes.

AL: Hmm-hmm.

JC: And –

AL: And were his wife and daughter -?

JC: His wife and daughter were in South Portland, yeah. His daughter was in high school I believe. Here's a picture of him, with Andrea. So they came down for the swearing in, and they came down actually, I think, for the inauguration in January and maybe a couple other trips, but mostly he was back in Maine. And he was back in Maine, I'm pretty sure he was back in Maine every single weekend during those first few months, and getting around. And he was on the phone all the time with people in Maine. So it was, his commitment was overwhelming.

And he had a lot to learn, to reacquaint himself with the issues, he had obviously developed a deep understanding of the issues in his campaign for governor and in his work as U.S. attorney, but he had to reacquaint himself. He spent a lot of time talking to people, so it was, he was just very, very impressive in his commitment to doing everything, everything he could and doing it right.

AL: Is there anything that I haven't asked you about that you think is important to add?

JC: Well, let's see. He was very loyal to people, very loyal to his staff, as he should be, they were loyal to him too. But he was always – you asked me about seeing Maine people, and he always did. And he's, and the number of Maine people he placed in different situations in

Washington during his tenure was amazing, frankly.

AL: Hmmm.

JC: And he had an eye for talented people and good people and he, they came to him, I mean they sort of, as a senator, everybody wants to work with you anyway, but he managed to draw some very talented people and kept them and promoted them and worked them, helped them find other places to land even when he wasn't a senator any more, so he's very good about that, to his credit and to their credit, because they were good people, are good people.

AL: Great, thank you.

JC: Okay. Thank you.

End of Interview